

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

No. 117

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### Introduced by Assembly Member Beall

January 9, 2007

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An act to add and repeal Section 1463.21 of the Penal Code, and to add and repeal Section 42012 of the Vehicle Code, relating to vehicles.

#### LEGISLATIVE COUNSEL'S DIGEST

AB 117, as amended, Beall. Traffic offenses: additional assessment: traffic safety.

Existing law imposes a base fine, assessments, and other applicable fees and penalties on a person upon a conviction of an offense involving the unsafe operation of a motor vehicle on the highways.

This bill would ~~provide that~~ *authorize*, until January 1, ~~2010~~ 2013, ~~a county may Santa Clara County to~~ elect to levy an additional assessment in the amount of \$2 for every \$10 or fraction thereof, upon each base fine, not including other penalty assessments, fees, or additions, imposed and collected by the county for an offense involving the unsafe operation of a motor vehicle upon the highway in violation of the Vehicle Code or a local ordinance adopted pursuant to the Vehicle Code. The bill would require that the collected assessments be deposited in a Traffic Safety Committee Network Fund. The bill would require moneys in the fund, after deducting administrative costs, not to exceed ~~10~~ 2% of the amount of the fund, be allocated in a manner so that 85% be used for local traffic safety programs approved by the county board of supervisors, as specified, and 15% be deposited in the county's Courthouse Construction Fund. *The bill would require the Santa Clara County Board of Supervisors, if it establishes a fund, to create a*

*countywide community collaboration committee with specified duties, and to submit an annual report to the Legislature regarding the fund and funded projects.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1463.21 is added to the Penal Code, to  
2 read:

3 1463.21. (a) If a county establishes a Traffic Safety Committee  
4 Network Fund pursuant to Section 42012 of the Vehicle Code,  
5 notwithstanding Section 1463, out of moneys deposited with the  
6 county treasurer pursuant to Section 1463, the assessment imposed  
7 pursuant to Section 42012 of the Vehicle Code shall be deposited  
8 in the Traffic Safety Committee Network Fund in the county  
9 treasury and shall be allocated pursuant to Section 42012 of the  
10 Vehicle Code.

11 (b) This section shall remain in effect only until January 1, ~~2010~~  
12 ~~2013~~, and as of that date is repealed, unless a later enacted statute,  
13 that is enacted before January 1, ~~2010~~ ~~2013~~, deletes or extends  
14 that date.

15 SEC. 2. Section 42012 is added to the Vehicle Code, to read:

16 42012. (a) (1) ~~A county~~ *Santa Clara County* may by ordinance  
17 elect to levy an additional assessment of two dollars (\$2) for every  
18 ten dollars (\$10) or fraction thereof, upon each base fine, not  
19 including other penalty assessments, fees, or additions, imposed  
20 and collected by the courts for an offense involving the unsafe  
21 operation of a motor vehicle upon the highways in violation of  
22 this code or a local ordinance adopted pursuant to this code.

23 (2) A parking violation that is subject to Article 3 (commencing  
24 with Section 40200) of Chapter 1 of Division 17 does not apply  
25 to paragraph (1).

26 (b) Assessments shall be collected pursuant to subdivision (a)  
27 only if the ~~county board of supervisors~~ *Santa Clara County Board*  
28 *of Supervisors* provides that the increased assessments do not offset  
29 or reduce the funding of other local traffic safety programs from  
30 other sources, and that these additional revenues result in increased  
31 funding to local traffic safety programs and courthouse  
32 construction.

(c) (1) ~~A county that~~ *If Santa Clara County* enacts an ordinance pursuant to subdivision (a), *the county* shall establish a Traffic Safety Committee Network Fund for purposes of receiving deposits under Section 1463.21 of the Penal Code and funding expenditures and disbursements under this section. For purposes of this section, “fund” means the Traffic Safety Committee Network Fund.

(2) Prior to the allocation of funds under subdivision (d), the costs of administering the fund shall be reimbursed by the fund, based on the actual administrative costs, not to exceed ~~10~~ 2 percent of the amount of the fund.

(3) All interest earned on moneys in the fund shall be deposited in the fund for expenditure and disbursement as specified in this section.

(d) Moneys in the fund, after deducting the administrative costs under paragraph (2) of subdivision (c), shall be allocated as follows:

(1) Eighty-five percent of those moneys shall be used for local traffic safety programs approved by the board of supervisors under subdivision (e).

(2) Fifteen percent of those moneys shall be deposited in the county’s Courthouse Construction Fund established in accordance with Section 76100 of the Government Code.

(e) (1) (A) ~~A board of supervisors that~~ *If the Santa Clara County Board of Supervisors* establishes a Traffic Safety Committee Network Fund, *the county board of supervisors* shall create a countywide community collaboration committee for the purpose of developing recommendations for traffic safety programs that are eligible for funding under paragraph (1) of subdivision (d).

(B) *Prior to the disbursement of funds from the Traffic Safety Committee Network Fund, the county board of supervisors shall require the countywide community collaboration committee created under subparagraph (A) to prepare and submit to the board for the board’s approval all of the following:*

(i) *A strategic plan for implementing subparagraph (A). The plan shall be made available to the public.*

(ii) *A capital outlay program that identifies state, local, and community-based infrastructure needs.*

(iii) *Performance standards or outcome measures.*

~~(B)~~

(C) Eligible funding programs are programs that increase local traffic safety and reduce related personal injuries and fatalities through existing local traffic safety programs or the creation of new local traffic safety programs.

(2) From the recommended eligible funding programs developed under paragraph (1), the board of supervisors shall select eligible local traffic safety programs for funding.

*(f) (1) If the board of supervisors establishes a Traffic Safety Community Network Fund under subdivision (e), it shall, on or before the fifth legislative day of 2008, and each year thereafter, submit a report to the Legislature that includes, but is not limited to, a detailed report of the program, including statements to the effect of whether or not fund usage was in accordance with the following:*

*(A) The criteria and processes established pursuant to subdivision (e).*

*(B) Consistent with legal requirements that achieve the intended outcomes developed under clause (iii) of subparagraph (B) of paragraph (1) of subdivision (e).*

*(2) The report shall also include the following:*

*(A) A listing of the projects, programs, or other authorized activities funded and a description of each project funded, as well as the amounts expended for each project.*

*(B) The ongoing in-progress actions taken to ensure that funded projects and activities are within the scope and cost projections of those projects and activities.*

*(3) The results of the completed projects, programs, or other authorized activities funded.*

~~(f)~~

*(g) This section shall remain in effect only until January 1, ~~2010~~ 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2010~~ 2013, deletes or extends that date.*

*SEC. 3. The Legislature finds and declares that due to the fact the successful and unique Traffic Safe Communities Network in Santa Clara County, that has been receiving grant money through the Office of Traffic Safety in the Business, Transportation and Housing Agency, is in jeopardy of losing its funding, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution. Therefore, the*

- 1 *special legislation contained in this act is necessarily applicable*
- 2 *only to Santa Clara County.*

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